

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TEXARKANA DIVISION

ROCCO M. MASSELLE

§

VS.

§

CIVIL ACTION NO. 5:09cv36

DIRECTOR, TDCJ-CID

§

MEMORANDUM OPINION REGARDING VENUE

Rocco M. Masselle, an inmate confined in the Telford Unit of the Texas Department of Criminal Justice, Correctional Institutions Division,, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Discussion

Petitioner states that in 2006, he was convicted of murder in the 284th District Court of Montgomery County, Texas. He was sentenced to 40 years imprisonment.

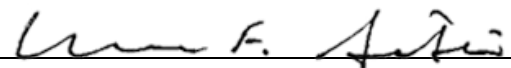
Petitioner filed this petition for writ of habeas corpus in the district in which he is currently confined. Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring a petition for writ of habeas corpus in the district in which he was convicted or the district in which he is incarcerated. Section 2241(d) further provides that a district court in the exercise of its discretion

may transfer the action to the other district in the furtherance of justice.

Petitioner was convicted in Montgomery County, Texas. Pursuant to 28 U.S.C. § 124, Montgomery County is in the Houston Division of the United States District Court for the Southern District of Texas. As all records and witnesses involving this action may be located in the Southern District, the transfer of this action to such district would further justice.

Accordingly, this case will be transferred to the Houston Division of the United States District Court for the Southern District of Texas. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

**SIGNED** this 20 day of March, 2009.

  
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KEITH F. GIBLIN  
UNITED STATES MAGISTRATE JUDGE